

SSB 5990 - S AMD 91

By Senators Stevens, Hargrove

PULLED 03/26/2003

1 Strike everything after the enacting clause and insert the
2 following:

3 "Sec. 1. RCW 9.94A.728 and 2002 c 290 s 21 and 2002 c 50 s 2 are
4 each reenacted and amended to read as follows:

5 No person serving a sentence imposed pursuant to this chapter and
6 committed to the custody of the department shall leave the confines of
7 the correctional facility or be released prior to the expiration of the
8 sentence except as follows:

9 (1)(a) Except as otherwise provided for in subsection (~~((+2))~~) (4)
10 of this section, the term of the sentence of an offender committed to
11 a correctional facility operated by the department may be reduced by
12 earned release time in accordance with procedures that shall be
13 developed and promulgated by the correctional agency having
14 jurisdiction in which the offender is confined. The earned release
15 time shall be for good behavior and good performance, as determined by
16 the correctional agency having jurisdiction. The correctional agency
17 shall not credit the offender with earned release credits in advance of
18 the offender actually earning the credits. Any program established
19 pursuant to this section shall allow an offender to earn early release
20 credits for presentence incarceration. If an offender is transferred
21 from a county jail to the department, the administrator of a county
22 jail facility shall certify to the department the amount of time spent
23 in custody at the facility and the amount of earned release time. An
24 offender who has been convicted of a felony committed after July 23,
25 1995, that involves any applicable deadly weapon enhancements under RCW
26 9.94A.533 (3) or (4), or both, shall not receive any good time credits
27 or earned release time for that portion of his or her sentence that
28 results from any deadly weapon enhancements. In the case of an
29 offender convicted of a serious violent offense, or a sex offense that

1 is a class A felony, committed on or after July 1, 1990, and before
2 July 1, 2003, the aggregate earned release time may not exceed fifteen
3 percent of the sentence. In the case of an offender convicted of a
4 serious violent offense, or a sex offense that is a class A felony,
5 committed on or after July 1, 2003, the aggregate earned release time
6 may not exceed ten percent of the sentence.

7 (b) In the case of an offender who qualifies under subsection (2)
8 of this section, the aggregate earned release time may not exceed fifty
9 percent of the sentence.

10 (c) In no other case shall the aggregate earned release time exceed
11 one-third of the total sentence;

12 (2) An offender may earn up to fifty percent earned release time if
13 he or she is not confined pursuant to a sentence for an offense that is
14 a violent offense; a sex offense; a violation or attempt, solicitation,
15 or conspiracy to violate RCW 69.50.401 by manufacture or delivery or
16 possession with intent to deliver methamphetamine; a violation or
17 attempt, solicitation, or conspiracy to violate RCW 69.50.406 (delivery
18 of a controlled substance to a minor); or a crime against a person as
19 defined in RCW 9.94A.411 and he or she:

20 (a) Has no prior conviction for a sex offense; a serious violent
21 offense; a violation or attempt, solicitation, or conspiracy to violate
22 RCW 69.50.401 by manufacture or delivery or possession with intent to
23 deliver methamphetamine; or a violation or attempt, solicitation, or
24 conspiracy to violate RCW 69.50.406 (delivery of a controlled substance
25 to a minor);

26 (b) Is not subject to court-ordered chemical dependency treatment
27 under RCW 9.94A.660 or the provisions of chapter 290, Laws of 2002; and

28 (c) Has an offender score of less than seven.

29 (3)(a) The department shall recalculate the earned release time and
30 reschedule the expected release dates for each eligible offender under
31 subsections (1) and (2) of this section.

32 (b) Subsection (2) of this section applies retroactively to
33 eligible offenders serving terms of total confinement in a state
34 correctional facility as of the effective date of this section.

35 (c) Subsections (1)(b) and (2) of this section do not apply to
36 offenders convicted after July 1, 2010.

37 (4)(a) A person convicted of a sex offense or an offense
38 categorized as a serious violent offense, assault in the second degree,

1 vehicular homicide, vehicular assault, assault of a child in the second
2 degree, any crime against persons where it is determined in accordance
3 with RCW 9.94A.602 that the offender or an accomplice was armed with a
4 deadly weapon at the time of commission, or any felony offense under
5 chapter 69.50 or 69.52 RCW, committed before July 1, 2000, may become
6 eligible, in accordance with a program developed by the department, for
7 transfer to community custody status in lieu of earned release time
8 pursuant to subsection (1) of this section;

9 (b) A person convicted of a sex offense, a violent offense, any
10 crime against persons under RCW 9.94A.411(2), or a felony offense under
11 chapter 69.50 or 69.52 RCW, committed on or after July 1, 2000, may
12 become eligible, in accordance with a program developed by the
13 department, for transfer to community custody status in lieu of earned
14 release time pursuant to subsection (1) of this section;

15 (c) The department shall, as a part of its program for release to
16 the community in lieu of earned release, require the offender to
17 propose a release plan that includes an approved residence and living
18 arrangement. All offenders with community placement or community
19 custody terms eligible for release to community custody status in lieu
20 of earned release shall provide an approved residence and living
21 arrangement prior to release to the community;

22 (d) The department may deny transfer to community custody status in
23 lieu of earned release time pursuant to subsection (1) of this section
24 if the department determines an offender's release plan, including
25 proposed residence location and living arrangements, may violate the
26 conditions of the sentence or conditions of supervision, place the
27 offender at risk to violate the conditions of the sentence, place the
28 offender at risk to reoffend, or present a risk to victim safety or
29 community safety. The department's authority under this section is
30 independent of any court-ordered condition of sentence or statutory
31 provision regarding conditions for community custody or community
32 placement;

33 ~~((+3))~~ (5) An offender may leave a correctional facility pursuant
34 to an authorized furlough or leave of absence. In addition, offenders
35 may leave a correctional facility when in the custody of a corrections
36 officer or officers;

37 ~~((+4))~~ (6)(a) The secretary may authorize an extraordinary medical
38 placement for an offender when all of the following conditions exist:

1 (i) The offender has a medical condition that is serious enough to
2 require costly care or treatment;

3 (ii) The offender poses a low risk to the community because he or
4 she is physically incapacitated due to age or the medical condition;
5 and

6 (iii) Granting the extraordinary medical placement will result in
7 a cost savings to the state.

8 (b) An offender sentenced to death or to life imprisonment without
9 the possibility of release or parole is not eligible for an
10 extraordinary medical placement.

11 (c) The secretary shall require electronic monitoring for all
12 offenders in extraordinary medical placement unless the electronic
13 monitoring equipment interferes with the function of the offender's
14 medical equipment or results in the loss of funding for the offender's
15 medical care. The secretary shall specify who shall provide the
16 monitoring services and the terms under which the monitoring shall be
17 performed.

18 (d) The secretary may revoke an extraordinary medical placement
19 under this subsection at any time.

20 ~~((+5))~~ (7) The governor, upon recommendation from the clemency and
21 pardons board, may grant an extraordinary release for reasons of
22 serious health problems, senility, advanced age, extraordinary
23 meritorious acts, or other extraordinary circumstances;

24 ~~((+6))~~ (8) No more than the final six months of the sentence may
25 be served in partial confinement designed to aid the offender in
26 finding work and reestablishing himself or herself in the community;

27 ~~((+7))~~ (9) The governor may pardon any offender;

28 ~~((+8))~~ (10) The department may release an offender from
29 confinement any time within ten days before a release date calculated
30 under this section; and

31 ~~((+9))~~ (11) An offender may leave a correctional facility prior to
32 completion of his or her sentence if the sentence has been reduced as
33 provided in RCW 9.94A.870.

34 Notwithstanding any other provisions of this section, an offender
35 sentenced for a felony crime listed in RCW 9.94A.540 as subject to a
36 mandatory minimum sentence of total confinement shall not be released
37 from total confinement before the completion of the listed mandatory

1 minimum sentence for that felony crime of conviction unless allowed
2 under RCW 9.94A.540, however persistent offenders are not eligible for
3 extraordinary medical placement.

4 NEW SECTION. **Sec. 2.** A new section is added to chapter 9.94A RCW
5 to read as follows:

6 The legislature declares that the changes to the maximum
7 percentages of earned release time in this act do not create any
8 expectation that the percentage of earned release time cannot be
9 revised and offenders have no reason to conclude that the maximum
10 percentage of earned release time is an entitlement or creates any
11 liberty interest. The legislature retains full control over the right
12 to revise the percentages of earned release time available to offenders
13 at any time. This section applies to persons convicted on or after the
14 effective date of this section.

15 NEW SECTION. **Sec. 3.** A new section is added to chapter 9.94A RCW
16 to read as follows:

17 (1) When the department performs a risk assessment pursuant to RCW
18 9.94A.500, or to determine a person's conditions of supervision, the
19 risk assessment shall classify the offender into one of at least four
20 risk categories. The department shall supervise every offender
21 sentenced to a term of community custody, community placement, or
22 community supervision whose risk assessment places that offender in one
23 of the two highest risk categories. The department is not authorized
24 to, and may not, supervise any offender sentenced to a term of
25 community custody, community placement, or community supervision whose
26 risk assessment places that offender in any risk category other than
27 the two highest unless the offender is one for whom supervision is
28 required under subsection (2) of this section.

29 (2) Notwithstanding an offender's classification in a risk category
30 other than the two highest risk categories, the department shall
31 supervise the offender if:

32 (a) He or she has a prior conviction for an offense that is a
33 serious violent offense, sex offense, manufacture or delivery or
34 possession with intent to deliver methamphetamine, or delivery of a
35 controlled substance to a minor;

1 (b) He or she is subject to court-ordered chemical dependency
2 treatment under RCW 9.94A.660 or the provisions of chapter 290, Laws of
3 2002, or he or she was sentenced under RCW 9.94A.670; or

4 (c) He or she is subject to supervision pursuant to RCW 9.94A.745.

5 (3) This section expires July 1, 2010.

6 **Sec. 4.** RCW 9.94A.700 and 2002 c 175 s 13 are each amended to read
7 as follows:

8 When a court sentences an offender to a term of total confinement
9 in the custody of the department for any of the offenses specified in
10 this section, the court shall also sentence the offender to a term of
11 community placement as provided in this section. Except as provided in
12 section 3 of this act, the department shall supervise any sentence of
13 community placement imposed under this section.

14 (1) The court shall order a one-year term of community placement
15 for the following:

16 (a) A sex offense or a serious violent offense committed after July
17 1, 1988, but before July 1, 1990; or

18 (b) An offense committed on or after July 1, 1988, but before July
19 25, 1999, that is:

20 (i) Assault in the second degree;

21 (ii) Assault of a child in the second degree;

22 (iii) A crime against persons where it is determined in accordance
23 with RCW 9.94A.602 that the offender or an accomplice was armed with a
24 deadly weapon at the time of commission; or

25 (iv) A felony offense under chapter 69.50 or 69.52 RCW not
26 sentenced under RCW 9.94A.660.

27 (2) The court shall sentence the offender to a term of community
28 placement of two years or up to the period of earned release awarded
29 pursuant to RCW 9.94A.728, whichever is longer, for:

30 (a) An offense categorized as a sex offense committed on or after
31 July 1, 1990, but before June 6, 1996, including those sex offenses
32 also included in other offense categories;

33 (b) A serious violent offense other than a sex offense committed on
34 or after July 1, 1990, but before July 1, 2000; or

35 (c) A vehicular homicide or vehicular assault committed on or after
36 July 1, 1990, but before July 1, 2000.

1 (3) The community placement ordered under this section shall begin
2 either upon completion of the term of confinement or at such time as
3 the offender is transferred to community custody in lieu of earned
4 release. When the court sentences an offender to the statutory maximum
5 sentence then the community placement portion of the sentence shall
6 consist entirely of the community custody to which the offender may
7 become eligible. Any period of community custody actually served shall
8 be credited against the community placement portion of the sentence.

9 (4) Unless a condition is waived by the court, the terms of any
10 community placement imposed under this section shall include the
11 following conditions:

12 (a) The offender shall report to and be available for contact with
13 the assigned community corrections officer as directed;

14 (b) The offender shall work at department-approved education,
15 employment, or community restitution, or any combination thereof;

16 (c) The offender shall not possess or consume controlled substances
17 except pursuant to lawfully issued prescriptions;

18 (d) The offender shall pay supervision fees as determined by the
19 department; and

20 (e) The residence location and living arrangements shall be subject
21 to the prior approval of the department during the period of community
22 placement.

23 (5) As a part of any terms of community placement imposed under
24 this section, the court may also order one or more of the following
25 special conditions:

26 (a) The offender shall remain within, or outside of, a specified
27 geographical boundary;

28 (b) The offender shall not have direct or indirect contact with the
29 victim of the crime or a specified class of individuals;

30 (c) The offender shall participate in crime-related treatment or
31 counseling services;

32 (d) The offender shall not consume alcohol; or

33 (e) The offender shall comply with any crime-related prohibitions.

34 (6) An offender convicted of a felony sex offense against a minor
35 victim after June 6, 1996, shall comply with any terms and conditions
36 of community placement imposed by the department relating to contact
37 between the sex offender and a minor victim or a child of similar age
38 or circumstance as a previous victim.

1 (7) Prior to or during community placement, upon recommendation of
2 the department, the sentencing court may remove or modify any
3 conditions of community placement so as not to be more restrictive.

4 **Sec. 5.** RCW 9.94A.705 and 2000 c 28 s 23 are each amended to read
5 as follows:

6 Except for persons sentenced under RCW 9.94A.700(2) or 9.94A.710,
7 when a court sentences a person to a term of total confinement to the
8 custody of the department for a violent offense, any crime against
9 persons under RCW 9.94A.411(2), or any felony offense under chapter
10 69.50 or 69.52 RCW not sentenced under RCW 9.94A.660, committed on or
11 after July 25, 1999, but before July 1, 2000, the court shall in
12 addition to the other terms of the sentence, sentence the offender to
13 a one-year term of community placement beginning either upon completion
14 of the term of confinement or at such time as the offender is
15 transferred to community custody in lieu of earned release in
16 accordance with RCW 9.94A.728 (1) and (~~(2)~~) (4). When the court
17 sentences the offender under this section to the statutory maximum
18 period of confinement, then the community placement portion of the
19 sentence shall consist entirely of such community custody to which the
20 offender may become eligible, in accordance with RCW 9.94A.728 (1) and
21 (~~(2)~~) (4). Any period of community custody actually served shall be
22 credited against the community placement portion of the sentence.
23 Except as provided in section 3 of this act, the department shall
24 supervise any sentence of community placement or community custody
25 imposed under this section.

26 **Sec. 6.** RCW 9.94A.715 and 2001 2nd sp.s. c 12 s 302 are each
27 amended to read as follows:

28 (1) When a court sentences a person to the custody of the
29 department for a sex offense not sentenced under RCW 9.94A.712, a
30 violent offense, any crime against persons under RCW 9.94A.411(2), or
31 a felony offense under chapter 69.50 or 69.52 RCW, committed on or
32 after July 1, 2000, the court shall in addition to the other terms of
33 the sentence, sentence the offender to community custody for the
34 community custody range established under RCW 9.94A.850 or up to the
35 period of earned release awarded pursuant to RCW 9.94A.728 (1) and
36 (~~(2)~~) (4), whichever is longer. The community custody shall begin:

1 (a) Upon completion of the term of confinement; (b) at such time as the
2 offender is transferred to community custody in lieu of earned release
3 in accordance with RCW 9.94A.728 (1) and (~~(+2)~~) (4); or (c) with
4 regard to offenders sentenced under RCW 9.94A.660, upon failure to
5 complete or administrative termination from the special drug offender
6 sentencing alternative program. Except as provided in section 3 of
7 this act, the department shall supervise any sentence of community
8 custody imposed under this section.

9 (2)(a) Unless a condition is waived by the court, the conditions of
10 community custody shall include those provided for in RCW 9.94A.700(4).
11 The conditions may also include those provided for in RCW 9.94A.700(5).
12 The court may also order the offender to participate in rehabilitative
13 programs or otherwise perform affirmative conduct reasonably related to
14 the circumstances of the offense, the offender's risk of reoffending,
15 or the safety of the community, and the department shall enforce such
16 conditions pursuant to subsection (6) of this section.

17 (b) As part of any sentence that includes a term of community
18 custody imposed under this subsection, the court shall also require the
19 offender to comply with any conditions imposed by the department under
20 RCW 9.94A.720. The department shall assess the offender's risk of
21 reoffense and may establish and modify additional conditions of the
22 offender's community custody based upon the risk to community safety.
23 In addition, the department may require the offender to participate in
24 rehabilitative programs, or otherwise perform affirmative conduct, and
25 to obey all laws.

26 (c) The department may not impose conditions that are contrary to
27 those ordered by the court and may not contravene or decrease court
28 imposed conditions. The department shall notify the offender in
29 writing of any such conditions or modifications. In setting,
30 modifying, and enforcing conditions of community custody, the
31 department shall be deemed to be performing a quasi-judicial function.

32 (3) If an offender violates conditions imposed by the court or the
33 department pursuant to this section during community custody, the
34 department may transfer the offender to a more restrictive confinement
35 status and impose other available sanctions as provided in RCW
36 9.94A.737 and 9.94A.740.

37 (4) Except for terms of community custody under RCW 9.94A.670, the
38 department shall discharge the offender from community custody on a

1 date determined by the department, which the department may modify,
2 based on risk and performance of the offender, within the range or at
3 the end of the period of earned release, whichever is later.

4 (5) At any time prior to the completion or termination of a sex
5 offender's term of community custody, if the court finds that public
6 safety would be enhanced, the court may impose and enforce an order
7 extending any or all of the conditions imposed pursuant to this section
8 for a period up to the maximum allowable sentence for the crime as it
9 is classified in chapter 9A.20 RCW, regardless of the expiration of the
10 offender's term of community custody. If a violation of a condition
11 extended under this subsection occurs after the expiration of the
12 offender's term of community custody, it shall be deemed a violation of
13 the sentence for the purposes of RCW 9.94A.631 and may be punishable as
14 contempt of court as provided for in RCW 7.21.040. If the court
15 extends a condition beyond the expiration of the term of community
16 custody, the department is not responsible for supervision of the
17 offender's compliance with the condition.

18 (6) Within the funds available for community custody, the
19 department shall determine conditions and duration of community custody
20 on the basis of risk to community safety, and shall supervise offenders
21 during community custody on the basis of risk to community safety and
22 conditions imposed by the court. The secretary shall adopt rules to
23 implement the provisions of this subsection.

24 (7) By the close of the next business day after receiving notice of
25 a condition imposed or modified by the department, an offender may
26 request an administrative review under rules adopted by the department.
27 The condition shall remain in effect unless the reviewing officer finds
28 that it is not reasonably related to any of the following: (a) The
29 crime of conviction; (b) the offender's risk of reoffending; or (c) the
30 safety of the community.

31 **Sec. 7.** RCW 9.94A.720 and 2002 c 175 s 14 are each amended to read
32 as follows:

33 (1)(a) Except as provided in section 3 of this act, all offenders
34 sentenced to terms involving community supervision, community
35 restitution, community placement, or community custody(~~(, or legal~~
36 ~~financial obligation))~~) shall be under the supervision of the department
37 and shall follow explicitly the instructions and conditions of the

1 department. The department may require an offender to perform
2 affirmative acts it deems appropriate to monitor compliance with the
3 conditions of the sentence imposed. The department may only supervise
4 the offender's compliance with payment of the legal financial
5 obligations during any period in which the department is authorized to
6 supervise the offender in the community under section 3 of this act.

7 (b) The instructions shall include, at a minimum, reporting as
8 directed to a community corrections officer, remaining within
9 prescribed geographical boundaries, notifying the community corrections
10 officer of any change in the offender's address or employment, and
11 paying the supervision fee assessment.

12 (c) For offenders sentenced to terms involving community custody
13 for crimes committed on or after June 6, 1996, the department may
14 include, in addition to the instructions in (b) of this subsection, any
15 appropriate conditions of supervision, including but not limited to,
16 prohibiting the offender from having contact with any other specified
17 individuals or specific class of individuals.

18 (d) For offenders sentenced to terms of community custody for
19 crimes committed on or after July 1, 2000, the department may impose
20 conditions as specified in RCW 9.94A.715.

21 The conditions authorized under (c) of this subsection may be
22 imposed by the department prior to or during an offender's community
23 custody term. If a violation of conditions imposed by the court or the
24 department pursuant to RCW 9.94A.710 occurs during community custody,
25 it shall be deemed a violation of community placement for the purposes
26 of RCW 9.94A.740 and shall authorize the department to transfer an
27 offender to a more restrictive confinement status as provided in RCW
28 9.94A.737. At any time prior to the completion of an offender's term
29 of community custody, the department may recommend to the court that
30 any or all of the conditions imposed by the court or the department
31 pursuant to RCW 9.94A.710 or 9.94A.715 be continued beyond the
32 expiration of the offender's term of community custody as authorized in
33 RCW 9.94A.715 (3) or (5).

34 The department may require offenders to pay for special services
35 rendered on or after July 25, 1993, including electronic monitoring,
36 day reporting, and telephone reporting, dependent upon the offender's
37 ability to pay. The department may pay for these services for
38 offenders who are not able to pay.

1 (2) No offender sentenced to terms involving community supervision,
2 community restitution, community custody, or community placement under
3 the supervision of the department may own, use, or possess firearms or
4 ammunition. Offenders who own, use, or are found to be in actual or
5 constructive possession of firearms or ammunition shall be subject to
6 the violation process and sanctions under RCW 9.94A.634, 9.94A.737, and
7 9.94A.740. "Constructive possession" as used in this subsection means
8 the power and intent to control the firearm or ammunition. "Firearm"
9 as used in this subsection has the same definition as in RCW 9.41.010.

10 **Sec. 8.** RCW 9.94A.545 and 2000 c 28 s 13 are each amended to read
11 as follows:

12 On all sentences of confinement for one year or less, in which the
13 offender is convicted of a sex offense, a violent offense, a crime
14 against a person under RCW 9.94A.411, or felony violation of chapter
15 69.50 or 69.52 RCW or an attempt, conspiracy, or solicitation to commit
16 such a crime, the court may impose up to one year of community custody,
17 subject to conditions and sanctions as authorized in RCW 9.94A.715 and
18 9.94A.720. An offender shall be on community custody as of the date of
19 sentencing. However, during the time for which the offender is in
20 total or partial confinement pursuant to the sentence or a violation of
21 the sentence, the period of community custody shall toll.

22 **Sec. 9.** 2002 c 290 s 30 (uncodified) is amended to read as
23 follows:

24 Section 2 of this act expires (~~July 1, 2004~~) on the effective
25 date of section 9, chapter . . . , Laws of 2003 (section 9 of this act).

26 **Sec. 10.** 2002 c 290 s 31 (uncodified) is amended to read as
27 follows:

28 Sections 7 through 11 and 14 through 23 of this act take effect
29 (~~July 1, 2004, and apply to crimes committed on or after July 1,~~
30 ~~2004~~) on the effective date of section 9, chapter . . . , Laws of 2003
31 (section 9 of this act).

32 **Sec. 11.** RCW 70.96A.350 and 2002 c 290 s 4 are each amended to
33 read as follows:

34 (1) The criminal justice treatment account is created in the state

1 treasury. Moneys in the account may be expended solely for: (a)
2 Substance abuse treatment and treatment support services for offenders
3 with an addiction or a substance abuse problem that, if not treated,
4 would result in addiction, against whom charges are filed by a
5 prosecuting attorney in Washington state; and (b) the provision of drug
6 and alcohol treatment services and treatment support services for
7 nonviolent offenders within a drug court program. Moneys in the
8 account may be spent only after appropriation.

9 (2) For purposes of this section:

10 (a) "Treatment" means services that are critical to a participant's
11 successful completion of his or her substance abuse treatment program,
12 but does not include the following services: Housing other than that
13 provided as part of an inpatient substance abuse treatment program,
14 vocational training, and mental health counseling; and

15 (b) "Treatment support" means transportation to or from inpatient
16 or outpatient treatment services when no viable alternative exists, and
17 child care services that are necessary to ensure a participant's
18 ability to attend outpatient treatment sessions.

19 (3) Revenues to the criminal justice treatment account consist of:

20 (a) (~~Savings to the state general fund resulting from implementation~~
21 ~~of chapter 290, Laws of 2002, as calculated~~) Funds transferred to the
22 account pursuant to this section; and (b) any other revenues
23 appropriated to or deposited in the account.

24 (4)(a) (~~The department of corrections, the sentencing guidelines~~
25 ~~commission, the office of financial management, and the caseload~~
26 ~~forecast council shall develop a methodology for calculating the~~
27 ~~projected biennial savings under this section. Savings shall be~~
28 ~~projected for the fiscal biennium beginning on July 1, 2003, and for~~
29 ~~each biennium thereafter. By September 1, 2002, the proposed~~
30 ~~methodology shall be submitted to the governor and the appropriate~~
31 ~~committees of the legislature. The methodology is deemed approved~~
32 ~~unless the legislature enacts legislation to modify or reject the~~
33 ~~methodology.~~

34 (b) ~~When the department of corrections submits its biennial budget~~
35 ~~request to the governor in 2002 and in each even-numbered year~~
36 ~~thereafter, the department of corrections shall use the methodology~~
37 ~~approved in (a) of this subsection to calculate savings to the state~~
38 ~~general fund for the ensuing fiscal biennium resulting from reductions~~

1 ~~in drug offender sentencing as a result of sections 2 and 3, chapter~~
2 ~~290, Laws of 2002 and sections 7, 8, and 9, chapter 290, Laws of 2002.~~
3 ~~The department shall report the dollar amount of the savings to the~~
4 ~~state treasurer, the office of financial management, and the fiscal~~
5 ~~committees of the legislature.~~

6 ~~(e))~~ For the fiscal biennium beginning July 1, 2003, ~~((and each~~
7 ~~fiscal biennium thereafter,))~~ the state treasurer shall transfer
8 ~~((seventy five percent of the amount reported in (b) of this~~
9 ~~subsection))~~ eight million nine hundred fifty thousand dollars from the
10 general fund into the criminal justice treatment account, divided into
11 eight equal quarterly payments. ~~((However, the amount transferred to~~
12 ~~the criminal justice treatment account shall not exceed the limit of~~
13 ~~eight million two hundred fifty thousand dollars per fiscal year.~~
14 ~~After the first fiscal year in which the amount to be transferred~~
15 ~~equals or exceeds eight million two hundred fifty thousand dollars,~~
16 ~~this limit))~~ For the fiscal year beginning July 1, 2005, and each
17 subsequent fiscal year, the state treasurer shall transfer eight
18 million two hundred fifty thousand dollars from the general fund to the
19 criminal justice treatment account, divided into four equal quarterly
20 payments. For the fiscal year beginning July 1, 2006, and each
21 subsequent fiscal year, the amount transferred shall be increased on an
22 annual basis by the implicit price deflator as published by the federal
23 bureau of labor statistics.

24 ~~((d))~~ (b) For the fiscal biennium beginning July 1, 2003, and
25 each biennium thereafter, the state treasurer shall transfer ~~((twenty~~
26 ~~five percent of the amount reported in (b) of this subsection))~~ two
27 million nine hundred eighty-four thousand dollars from the general fund
28 into the violence reduction and drug enforcement account, divided into
29 eight quarterly payments. The amounts transferred pursuant to this
30 subsection ~~(4)~~~~((d))~~ (b) shall be used solely for providing drug and
31 alcohol treatment services to offenders confined in a state
32 correctional facility ~~((receiving a reduced sentence as a result of~~
33 ~~implementation of chapter 290, Laws of 2002 and))~~ who are assessed with
34 an addiction or a substance abuse problem that if not treated would
35 result in addiction. ~~((Any excess funds remaining after providing drug~~
36 ~~and alcohol treatment services to offenders receiving a reduced~~
37 ~~sentence as a result of implementation of chapter 290, Laws of 2002 may~~

1 ~~be expended to provide treatment for offenders confined in a state~~
2 ~~correctional facility and who are assessed with an addiction or a~~
3 ~~substance abuse problem that contributed to the crime.~~

4 ~~(e))~~ (c) In each odd-numbered year, the legislature shall
5 appropriate the amount transferred to the criminal justice treatment
6 account in ~~((e))~~ (a) of this subsection to the division of alcohol
7 and substance abuse for the purposes of subsection (5) of this section.

8 (5) Moneys appropriated to the division of alcohol and substance
9 abuse from the criminal justice treatment account shall be distributed
10 as specified in this subsection. The department shall serve as the
11 fiscal agent for purposes of distribution. Until July 1, 2004, the
12 department may not use moneys appropriated from the criminal justice
13 treatment account for administrative expenses and shall distribute all
14 amounts appropriated under subsection (4)~~((e))~~ (c) of this section in
15 accordance with this subsection. Beginning in July 1, 2004, the
16 department may retain up to three percent of the amount appropriated
17 under subsection (4)~~((e))~~ (c) of this section for its administrative
18 costs.

19 (a) Seventy percent of amounts appropriated to the division from
20 the account shall be distributed to counties pursuant to the
21 distribution formula adopted under this section. The division of
22 alcohol and substance abuse, in consultation with the department of
23 corrections, the sentencing guidelines commission, the Washington state
24 association of counties, the Washington state association of drug court
25 professionals, the superior court judges' association, the Washington
26 association of prosecuting attorneys, representatives of the criminal
27 defense bar, representatives of substance abuse treatment providers,
28 and any other person deemed by the division to be necessary, shall
29 establish a fair and reasonable methodology for distribution to
30 counties of moneys in the criminal justice treatment account. County
31 or regional plans submitted for the expenditure of formula funds must
32 be approved by the panel established in (b) of this subsection.

33 (b) Thirty percent of the amounts appropriated to the division from
34 the account shall be distributed as grants for purposes of treating
35 offenders against whom charges are filed by a county prosecuting
36 attorney. The division shall appoint a panel of representatives from
37 the Washington association of prosecuting attorneys, the Washington
38 association of sheriffs and police chiefs, the superior court judges'

1 association, the Washington state association of counties, the
2 Washington defender's association or the Washington association of
3 criminal defense lawyers, the department of corrections, the Washington
4 state association of drug court professionals, substance abuse
5 treatment providers, and the division. The panel shall review county
6 or regional plans for funding under (a) of this subsection and grants
7 approved under this subsection. The panel shall attempt to ensure that
8 treatment as funded by the grants is available to offenders statewide.

9 (6) The county alcohol and drug coordinator, county prosecutor,
10 county sheriff, county superior court, a substance abuse treatment
11 provider appointed by the county legislative authority, a member of the
12 criminal defense bar appointed by the county legislative authority,
13 and, in counties with a drug court, a representative of the drug court
14 shall jointly submit a plan, approved by the county legislative
15 authority or authorities, to the panel established in subsection (5)(b)
16 of this section, for disposition of all the funds provided from the
17 criminal justice treatment account within that county. The funds shall
18 be used solely to provide approved alcohol and substance abuse
19 treatment pursuant to RCW 70.96A.090 and treatment support services.
20 No more than ten percent of the total moneys received under subsections
21 (4) and (5) of this section by a county or group of counties
22 participating in a regional agreement shall be spent for treatment
23 support services.

24 (7) Counties are encouraged to consider regional agreements and
25 submit regional plans for the efficient delivery of treatment under
26 this section.

27 (8) Moneys allocated under this section shall be used to
28 supplement, not supplant, other federal, state, and local funds used
29 for substance abuse treatment.

30 (9) Counties must meet the criteria established in RCW
31 2.28.170(3)(b).

32 NEW SECTION. **Sec. 12.** The Washington state institute for public
33 policy shall study the results of the changes in earned release under
34 section 1 of this act. The study shall determine whether the changes
35 in earned release affect the rate of recidivism or the type of offenses
36 committed by persons whose release dates were affected by the changes

1 in this act. The Washington state institute for public policy shall
2 report its findings to the governor and the appropriate committees of
3 the legislature no later than December 1, 2008.

4 NEW SECTION. **Sec. 13.** If any provision of this act or its
5 application to any person or circumstance is held invalid, the
6 remainder of the act or the application of the provision to other
7 persons or circumstances is not affected.

8 NEW SECTION. **Sec. 14.** This act is necessary for the immediate
9 preservation of the public peace, health, or safety, or support of the
10 state government and its existing public institutions, and takes effect
11 July 1, 2003."

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By Senators Stevens, Hargrove

PULLED 03/26/2003

12 On page 1, line 2 of the title, after "offenders;" strike the
13 remainder of the title and insert "amending RCW 9.94A.700, 9.94A.705,
14 9.94A.715, 9.94A.720, 9.94A.545, and 70.96A.350; amending 2002 c 290 s
15 30 (uncodified); amending 2002 c 290 s 31 (uncodified); reenacting and
16 amending RCW 9.94A.728; adding new sections to chapter 9.94A RCW;
17 creating a new section; providing effective dates; providing an
18 expiration date; and declaring an emergency."

EFFECT: Adds provisions advancing the implementation of the Drug
Sentencing Reform Act by one year. Adds provision requiring
supervision of offenders subject to the Interstate Compact for adult
offender supervision.

--- END ---